



General Assembly

Substitute Bill No. 185

February Session, 2022



AN ACT CONCERNING COUNTERFEIT, NOVELTY AND UNSAFE LIGHTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) For the purposes of this
2 section:

3 (1) "Counterfeit lighter" means any lighter that infringes on the
4 intellectual property rights of (A) any citizen of the United States, or (B)
5 any entity that is protected by any federal or state intellectual property
6 law;

7 (2) "Novelty lighter" (A) means any lighter that (i) is designed to
8 appear as a toy, (ii) produces entertaining audio or visual effects,
9 including, but not limited to, musical notes or flashing lights, or (iii)
10 resembles, in physical form and function, (I) any battery, beverage,
11 cartoon character, cell phone, gun or other weapon, food, musical
12 instrument, sporting equipment, vehicle or watch, or (II) any item
13 intended for use by persons younger than twelve years of age, and (B)
14 does not include any standard disposable or refillable cigarette or
15 pocket lighter that includes, or is decorated with, any artwork, decal,
16 heat-shrinkable sleeve, label or logo;

17 (3) "Lighter" means any electrical or mechanical device that (A)

18 operates using any type of fuel, including, but not limited to, butane or
19 another liquid fuel, and (B) is typically used to light a cigarette, cigar or
20 pipe; and

21 (4) "Unsafe lighter" means (A) any disposable or refillable cigarette or
22 pocket lighter that does not comply with American Society for Testing
23 and Materials Standard F400-20, as amended from time to time, and (B)
24 any grill or utility lighter that does not comply with American Society
25 for Testing and Materials Standard F2201-20, as amended from time to
26 time.

27 (b) (1) Except as provided in subdivision (2) of this subsection, no
28 person shall offer or sell any counterfeit lighter, novelty lighter or unsafe
29 lighter in this state, including, but not limited to, by way of providing a
30 free sample to a person in this state, regardless of whether such person
31 is offering or selling such lighter on a retail basis, wholesale basis, online
32 or in person.

33 (2) The provisions of this section shall not be construed to prohibit
34 (A) the interstate transportation of counterfeit lighters, novelty lighters
35 or unsafe lighters through this state, or (B) the storage of counterfeit
36 lighters, novelty lighters or unsafe lighters in any distribution center or
37 warehouse located in this state if such distribution center or warehouse
38 is closed to the public and does not distribute or sell, at retail, such
39 lighters to the public.

40 (c) The State Fire Marshal, any local fire marshal empowered to
41 enforce the State Fire Prevention Code or Fire Safety Code and any
42 person aggrieved by any violation of subsection (b) of this section may
43 bring a civil action in the Superior Court to recover damages from the
44 person who is alleged to have committed such violation.

This act shall take effect as follows and shall amend the following sections:

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| Section 1 | October 1, 2022 | New section |
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GL *Joint Favorable Subst.*